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Attorneys for defendant  
International Business Machines Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RALPH I. MILLER, an individual, and as  
Successor-in-Interest to Best-of-China.Com,  
Inc., a California Corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES  
("IBM") CORPORATION,

Defendant.

CASE NO. C 02 2118 MJJ

**~~[Proposed]~~ order setting pending discovery  
motions to be heard on April 13, 2006**

Date: April 13, 2006  
Time: 10:00 p.m.  
Judge: Hon. Maria-Elena James  
Courtroom: B, 15<sup>th</sup> Floor

Trial Date: May 22, 2006

Upon consideration of the motion of defendant International Business Machines Corporation ("IBM") to re-set all pending discovery for 10:00 a.m. on April 13, 2006, the Court finds that the motion should be granted.

The following motions (with the original date noticed for hearing in parentheses) are therefore re-set for 10:00 a.m. on April 13, 2006:

Miller's motion to modify the Court's February 6, 2006 order (April 6, 2006);

IBM's motion to preclude Miller from calling witnesses and other relief (April 6, 2006);

Miller's motion to compel further discovery from IBM (April 13, 2006);

1 IBM's motion to compel re Altheimer & Gray documents and other relief (April 20, 2006);  
2 IBM's renewed motion for sanctions (April 20, 2006).

3 IBM will file its replies in support of the IBM motions originally noticed for April 20 on or  
4 before ~~April 6, 2006~~. April 5, 2006.

5 So ordered.

6 Dated: April 3, 2006

7 Maria-Elena James  
8 United States Magistrate Judge

